

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:13-CV-226-H

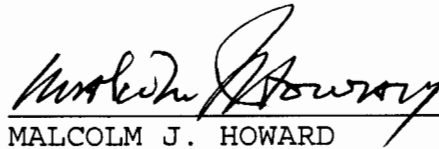
HAROLD LONEY,)	
)	
Plaintiff,)	
)	
v.)	
)	
DATAMAX CORPORATION,)	ORDER
)	
Defendant.)	
)	

This matter is before the court on defendant's motion for sanctions and dismissal [DE #53]. Also pending before the court is defendant's motion to dismiss [DE #39]. Magistrate Judge Kimberly A. Swank filed an Order and Memorandum and Recommendation ("M&R") on February 4, 2015, ordering plaintiff to pay defendant Datamax \$796.00 in attorney's fees and expenses and recommending that defendant's motion for sanctions and dismissal [DE #53] be allowed and this action be dismissed in its entirety pursuant to Rules 37(b)(2) and 41(b) of the Federal Rules of Civil Procedure. Plaintiff filed no objections to the M&R, and the time for doing so has expired. This matter is ripe for adjudication.

A full and careful review of the M&R and other documents of record convinces the court that the recommendation of the magistrate judge is, in all respects, in accordance with the law and should be approved. Accordingly, the court adopts the

recommendation of the magistrate judge as its own. For the reasons stated therein, defendant's motion for sanctions and dismissal [DE #53] is GRANTED, and this matter is DISMISSED. The defendant's motion to dismiss [DE #39] is DENIED AS MOOT. The clerk is directed to close this case.

This 5th day of March 2015.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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